

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HECTOR CORDERO,

Plaintiff,

– against –

THE CITY OF NEW YORK, Police Officer  
HUGO HUGASIAN, Shield #10228;  
Lieutenant CHRISTOPHER MORAN; Police  
Officer PETER RUBIN, Shield # 00934; and  
Police Officer JOHN ESSIG, Shield #08667,  
individually and in their official capacity as  
New York City Police Officers,

Defendants.

**ORDER**

15-CV-3436

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ **AUG 20 2018** ★

**BROOKLYN OFFICE**

**Jack B. Weinstein, Senior United States District Judge:**

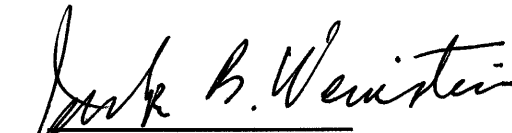
Defendants seek costs and fees after a defense judgement following a jury trial. Plaintiff disputes entitlement to costs on the grounds of timeliness, indigence, public importance, and discovery misconduct.

“[C]osts may be denied because of misconduct by the prevailing party, the public importance of the case, the difficulty of the issues, or the losing party’s limited financial resources.” *Whitfield v. Scully*, 241 F.3d 264, 270 (2d Cir. 2001), *abrogated on other grounds by Bruce v. Samuels*, 136 S. Ct. 627, (2016). Plaintiff’s income for 2017 was below the federal poverty level and the costs sought by defendants are approximately 75% of plaintiff’s yearly income. *See* 2017 Tax Return, ECF No. 181, Ex. 2.

The case was litigated in good faith and was of public importance. Plaintiff cites to several newspaper articles reporting on the case. *See* Plt.’s Br., ECF No. 181.

Because of plaintiff’s financial hardship and the public interest in the case, costs will not be imposed.

SO ORDERED.

  
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Jack B. Weinstein  
Senior United States District Judge

Dated: August 16, 2018  
Brooklyn, New York